

REMARKS

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 1-8, 10-14 are amended herein, claims 9 and 15 are cancelled and claims 16-17 are added. Of the claims, only claims 1 and 13 are independent.

In the Office Action of August 1, 2003, the Examiner objected to the Abstract of the Disclosure and to the specification because of informalities. In addition, the Examiner requested a new title being indicative of the invention to which the claims are directed. As requested by this Office Action, a new Abstract and a new title are submitted herein, and the specification is amended. No new matter has been added.

In the Office Action, the Examiner objected to claims 1, 3, 4, 6, 9, and 13-15 because of informalities. Claims 1, 3, 4, 6, and 13 are amended herein to incorporate the suggestions of the Examiner. Specifically, the device of claim 1 is a device used to adjust the length of the sling, which is not part of the device as shown in Figure 1. Thus, the device claimed in claim 13 is a device different from the device of claim 1, because the device of claim 13 comprises the sling. Embodiments of the device claimed by claim 13 are shown in Figures 2 and 3 of the present application.

The Examiner rejected claims 7-10, 11, and 13-15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 7, 8, 10, 11, and 13-14 are amended herein to further clarify the invention and with consideration of the informalities noted in the Office Action, and which are now believed to overcome the rejection under 35 U.S.C. 112,

second paragraph. Specifically, claim 1 was amended to incorporate the features of claim 9, which was cancelled, and the feature of claim 1, claiming that the continuous loop is “in particular a textile band folded or woven into a circular loop, or a continuous rope” has been cancelled by claim 1 and incorporated in a new claim 16. Claim 13 was amended to incorporate the features of claim 15, now cancelled, and its feature that the continuous loop “in particular a textile band folded or woven into a circular loop, or a continuous rope” has been cancelled and incorporated in new claim 17. In addition, regarding the objections of claims 7, and 8, Applicants point out that “the force absorbing surface” of claim 7, is the area of the carrier part which carries the load with the help of the deflection element. As shown in Figure 2, the deflection element is for example a hook, and it is secured to the carrier part by hooking it to the opening (9). In a different embodiment shown in Figure 3, the deflection element is molded onto the carrier part as single piece. Thus, in this case, the “force absorbing surface” would be the bottom surface of the carrier part, which is molded to the deflection element.

In light of the amendments to claims 7, 8, 10, 11, and 13-14, the withdrawal of the rejection of claims 7-10, 11, and 13-15 under 35 U.S.C. 112, second paragraph, is respectfully requested.

In the Office Action, the Examiner rejected claims 1-3, 5, 9 and 12 under 35 U.S.C. 102(b) as being anticipated by Eggeman (US Patent 3,002,780, hereinafter US ‘780), and claims 1-3, 5, 6-10 under 35 U.S.C. 102(b) as being anticipated by Wirkkala (US Patent 2,789,003, hereinafter US ‘003).

Applicants respectfully traverse these rejections. In order to be anticipatory, a reference must describe “each and every element” with the condition that the identical invention must be shown in as complete detail as is contained in the claims. The prior art references clearly fail to meet the conditions of anticipatory references.

The presently claimed invention as claimed in claim 1, is directed to a device to adjust the length of a sling. This device is characterized by a carrier part having two opposed spaced side around which a respective side of the sling can be slung. In addition, the carrier part is characterized by an opening through which a loop segment of the sling can be guided.

Amended claim 1 claims as follows:

“A device for **adjusting the effective length of a sling** ...said device comprising:

a carrier part having projections located at each of two opposed spaced sides,...said carrier part also having **an opening through which a loop segment** of the sling is guided.”

US ‘780 discloses a two-holed hook device which can be used in connection with a loop-type sling to lift and carry a load. The hook corresponds to a carrier part with projections on two opposed and spaced sides. A part of the sling can be slung around one of these projections and the effective length of the sling can be shortened during the transport of a load by slinging the sling several times around a projection. However, according to amended claim 1, **the effective length of the sling is adjusted by guiding a loop segment of the sling through an opening of the carrier part**. The presently claimed invention permits to avoid a potentially damaging multiple slinging of a sling around projections of a hook, thus allowing adjusting the height of

the carrier part relatively to the carrier load. This feature is not accomplished by the device disclosed by US '780. The hook of US '780 shows no opening through which a loop segment of the sling could be guided. Rather, the hook is characterized by two openings (8) separated by a bridge (see Figure 5) through which only one string of rope can be guided. The rope can only be connected to a loop-type sling after having being guided through the openings. Thus, once a continuous sling is achieved and connected to the hook as disclosed in US' 780, these parts are not easily separable from each other anymore. Thus, the subject matter of amended independent claim 1 is not disclosed by the US '780 reference to constitute an anticipation under 35 U.S.C. 102(b).

US '003 discloses a device characterized by a hook for lifting, loading and other handling of heavy logs. As in the device of US '780, the hook of US '003 does not teach a carrier part characterized by an opening through which an opening segment of a continuous sling could be guided to adjust the effective length of the sling. In particular, the hook of US '003 does not provide for a shortening the effective length of a carrying means, but only for the double sided hooking in of the ends of a rope. Thus, both rope ends show conventional loops in order to be hooked into the projections of the known hook. Accordingly, the hook disclosed in US '003 does not possess an opening through which a loop segment of the sling can be guided, but the opening merely functions for fastening the carrying rope of a crane which moves the load carried by the hook. Thus, the subject matter of amended independent claim 1 is not disclosed by the US '003 reference to constitute an anticipation under 35 U.S.C. 102(b).

In view of the foregoing, reconsideration and withdrawal of the rejections of independent claim 1 and of the claims dependent upon it under 35. U.S.C. 102(b) as being anticipated by the cited prior art is respectfully requested.

In the Office Action, the Examiner rejected claims 4, 13, and 15 under 35 U.S.C. 103 (a) as being unpatentable over US '780 in view of Garret (US Patent 5,103,755, hereinafter US '755), claim 4 under 35 U.S.C. 103 (a) as being unpatentable over US '003 in view of US '755, claim 11 under 35 U.S.C. 103 (a) as being unpatentable over US '003 in view of Kirow (German Patent 229100, hereinafter DD '100), and claim 12 under 35 U.S.C. 103 (a) as being unpatentable over US '003 in view of US '780. Applicants respectfully traverse this rejection. For the reasons set forth below it is believed that the claims are not rendered obvious by the prior art of record.

US '755 discloses a device for lifting a load. However, as in the devices disclosed by US '780 and US '003, the device of US '755 does not provide for a continuous loop used as a sling or for a device to adjust the effective length of a sling with a separate carrier part which has an opening through which a loop segment of a continuous sling could be guided. Instead, US '755 teaches that the load can be linked to the lifting device via one or two chains (Figures 4 and 5).

Thus, US' 755 does not suggest the teaching of the presently claimed invention as claimed in claims 4, 13.

DD '100 discloses a device characterized by a carrier part in form of a hook. Although the device of DD '100 is characterized by two projections on two opposed and spaced sides, the cited prior art does not disclose an opening through which a loop segment of a continuous sling

Serial No.: 10/043,016

Attorney Docket No.: 20496/315

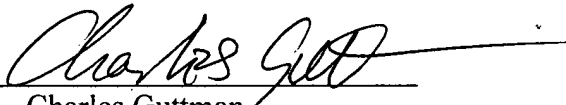
could be guided. Thus, DD '100 in combination with US '003 does not suggest of teach the limitation of claim 11 of the presently claimed invention, nor the combination of US '003 with US '780 renders claim 12 obvious.

Accordingly, as none of the cited references, alone or in any combination discloses or suggested the teaching of claims 4, 11-13, claims 4, 11-13 are not rendered obvious by the prior art of record and the withdrawal of rejections under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing, it is believed that the present application is in condition for allowance and a favorable action on the merits is respectfully requested.

Respectfully submitted,

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Date: February 2, 2004

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